

Fiscal Note

Fiscal Services Division



HF 2133 – Interference with a Correctional Officer (LSB 5115HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Megan Hess

Description

House File 2133 expands the definition of the crime of interference with official acts to include instances where jail personnel are involved.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for interference with official acts, ranging from a Serious Misdemeanor to a Class C felony depending on the circumstances of the crime. Certain felony convictions are forcible felonies that require the convicted offender to be sentenced to State prison rather than Community-Based Corrections (CBC) supervision.
- Current law applies to offenders under the supervision of CBC and the State prison system, or about 38,900 offenders on any given day. It is most likely that the types of acts covered under current law apply to offenders housed in the State prison system or CBC residential facilities; that population is approximately 9,505 offenders (8,074 State prisoners and 1,431 offenders in CBC residential facilities).
- According to the Justice Data Warehouse, in FY 2013 there were 25 offenders convicted of the current law being amended in HF 2133 (Iowa Code section [719.1\(2\)](#)). The offenders were convicted as follows: 17 Serious Misdemeanors, seven Aggravated Misdemeanors, and one Class D felony.
- According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, there were 6,128 charges of interference with official acts in Calendar Year (CY) 2012. Of these, 60.4% were convicted (3,699 convictions). Of those convicted, 3,531 convictions were for the original charge.
- The average cost per case for the Judicial Branch is \$208 for a Serious or Aggravated Misdemeanor and \$427 for a Class D or Class C felony. These costs do not include the cost of a jury trial.
- The cost for indigent defense is \$600 for a Serious Misdemeanor case, \$1,200 for either an Aggravated Misdemeanor or Class D felony case, and \$1,800 for a Class C felony case.
- According to the CJJPD and the Department of Corrections, the following are estimates for sentencing, length of stay, and costs for interference with official acts. The crime of interference with official acts is classified as a crime against a person; therefore, length of stay under correctional supervision is longer than other crimes within the same offense class.

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to Probation	Avg Length of Stay on Probation	Average Cost per Day for Prob/Parole	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (days)	Marginal Cost Per Day for County Jail	Percent Sentenced to Prison	Avg Length of Stay in State Prison	Marginal Cost Per Day for State Prison
Serious Misdemeanor	28.6%	11.5 months	\$ 3.35	57.1%	20	\$ 15.00	0.0%	0	\$ 18.25
Aggravated Misdemeanor	45.40%	17.6 months	\$ 3.35	48.6%	33	\$ 15.00	10.4%	8.6 months	\$ 18.25
Class D felony	0.0%	0	\$ 0.00	0.0%	0	\$ 0.00	100.0%	16.9 months	\$ 18.25

Approximately 91.7% of the offenders convicted under HF 2133 will receive correctional supervision, either supervision in the community (probation), or incarceration in the county jail or State prison system.

Minority Data Information

The table below shows the CY 2013 offender-based convictions for interference with official acts per the Iowa Code according to the CJJPD. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

CY 2013 Offender-Based Convictions for Interference with Official Acts

Iowa Code section	White	Black	Hispanic	Native American	Asian	Other	Unknown	Total
719.1(1)	4	0	0	0	0	0	2	6
719.1(1)(a)	372	173	25	7	1	8	32	618
719.1(1)(b)	4	3	0	0	0	0	1	8
719.1(1)(c)	2	1	0	0	0	0	0	3
719.1(1)(d)	9	5	0	0	0	0	0	14
719.1(1)(e)	1	1	0	0	0	0	0	2
719.1(1)A	1,327	549	78	20	12	11	107	2,104
719.1(1)B	93	39	2	1	0	3	5	143
719.1(1)C	3	3	0	0	0	0	0	6
719.1(1)D	5	5	0	0	0	0	0	10
719.1(2)A	6	4	0	0	0	1	1	12
719.1(2)B	3	0	1	0	0	0	0	4
719.1(2)C	0	0	0	0	0	0	1	1
719.1A	145	169	9	1	5	5	23	357
Total	1,974	952	115	29	18	28	172	3,288
% by Race	60.0%	29.0%	3.5%	0.9%	0.5%	0.9%	5.2%	

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2014, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period for the crime of interference with official acts.

- This law will become effective July 1, 2014. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system for the crime of interference with official acts.
- HF 2133 will result in new charges and convictions in the criminal justice system. People held in county jails or municipal holding facilities that knowingly resist, obstruct, or interfere with a jailer are not currently eligible to be charged with interference with official acts. Under HF 2133, they may be charged with interference with official acts.
- These will be bench trials. Trials by jury are rare. Refer to the ***Fiscal Topic, Jury Trials*** published by the LSA in August 2013 for additional information regarding the use of juries.
- Approximately 50.0% of the defendants will be indigent.
- Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.
- Approximately 4,600 jail inmates on any given day may commit acts falling under HF 2133. Approximately 0.26% of this population may be convicted under the provisions of HF 2133 annually.
- Convictions by offense class under HF 2133 will be similar to current law.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be an estimated 20 defendants annually charged with interference with official acts under this Bill. Of these, 12 will be convicted. It is estimated that the offenders will be sentenced as follows: three to probation, six to county jail, and two to State prison. One offender will receive a sentence other than probation supervision by CBC or county jail incarceration, such as a financial penalty and/or community service.

The impact on the probation population is expected to be minimal, trending slightly upward over the five-year projection period because the length of stay under supervision is one year or more. The impact on the prison population is minimal. The population will increase by two offenders in FY 2015 and three offenders annually thereafter.

Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 34.7% of offenders convicted under the provisions of HF 2133 may be minorities.

Fiscal Impact

The fiscal impact for HF 2133 is estimated to be an increased cost to the State General Fund of \$15,600 in FY 2015 and \$36,300 in FY 2016. County jail costs are estimated to increase by \$900 in FY 2015 and \$2,000 in FY 2016.

The table below shows the impact by areas within the criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system (probation and State prison) is one year or more.

Estimated Fiscal Impact by Funding Source

	FY 2015			FY 2016		
	County Budgets	General Fund	Total	County Budgets	General Fund	Total
County Jail	\$ 900	\$ 0	\$ 900	\$ 2,000	\$ 0	\$ 2,000
CBC - Probation	0	1,200	1,200	0	4,900	4,900
State Prison	0	6,700	6,700	0	18,000	18,000
Judicial Branch	0	2,300	2,300	0	4,400	4,400
Indigent Defense	0	5,400	5,400	0	9,000	9,000
Total	<u>\$ 900</u>	<u>\$ 15,600</u>	<u>\$ 16,500</u>	<u>\$ 2,000</u>	<u>\$ 36,300</u>	<u>\$ 38,300</u>

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender
Department of Corrections

/s/ Holly M. Lyons

February 17, 2014

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.